

State of California



SECRETARY OF STATE CONDITIONAL APPROVAL OF USE OF *ELECTION SYSTEM AND SOFTWARE, INC.* DIRECT RECORDING ELECTRONIC VOTING SYSTEM

I, MARK L. KYLE, Undersecretary of State of the State of California, do hereby certify that:

1. *Election Systems and Software, Inc.* of Omaha, Nebraska ("Vendor"), has requested approval for use in California elections of its iVotronic Version 7.4.5.0 as well as its Procedures for iVotronic Direct Recording Election voting system, submitted on or about October 21, 2004.
2. The voting system described above has been federally qualified as evidenced by the assigned NASED Number 010105-7.4.5.0.
3. The voting system has been determined to be in compliance with California law by the State's Voting System Technical Expert, within the conditions indicated below.
4. The request for approval of the voting system as described in Paragraph 1, was considered at a duly noticed public hearing held October 22, 2004, at Sacramento, California.
5. The Voting Systems and Procedures Panel and the State's Voting System Technical Expert have recommended that the request for approval be granted, with certain conditions.
6. Election Systems and Software, Inc.'s iVotronic Version 7.4.5.0 as well as its Procedures for iVotronic Direct Recording Electronic voting system are hereby approved for use subject to the following terms and conditions:
 - a. No substitution or modification of the voting system described in Paragraph 1 shall be made with respect to any component of the voting

until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting systems sufficient to require a re-examination and approval;

- b. The voting systems may only be used in San Mateo County;
- c. The voting systems may only be used in the November 2, 2004 General Election;
- d. The voting systems may only be used with a certified version of the Unity election management software;
- e. The Optech Eagle shall not be permitted to be connected to an exterior communication system, including the public telephone system;
- f. The Secretary of State reserves the right, with reasonable notice to Vendor and to the counties using any of the voting systems, to modify the Procedures used with any of the voting systems and to impose additional requirements with respect to the use of any of the systems if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of any of the voting systems. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;
- g. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan;

- h. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan;
- i. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Logic and Accuracy Board certification.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 27th day of October, 2004.

A handwritten signature in blue ink, reading "Mark L. Kyle".

MARK L. KYLE
Undersecretary of State